

Gray et al., "Methods and compositions for chromosome-specific staining," European patent application EP 0 430 402, published 5/6/1991.

3. My invention was made and tested in the United States prior to December of 1990, and therefore prior to publication of the cited patent applications by Gray et al.

4. The fact that my invention was made and tested in this country prior to December of 1990 is evidenced by studies set forth in the attached abstract and notebook extracts (Exhibits A-D). Among other things, these Exhibits set forth the following studies which exemplify the practice of my invention:

- a) Isolation and use of the c-Hu-ABL probe (Exhibit A and pages 30-33, 36-44 of Exhibit B);
- b) Isolation and use of the PEM12 probe (Exhibit A and pages 1-8, 14-25, 28, 40-54 of Exhibit C);
- c) Use of the c-Hu-ABL and PEM12 probes in in situ hybridization experiments for detection of chromosomal aberrations in tissue samples and blood cells from patients with leukemia (Exhibit A and pages 1-2, 5-8, 21-24 of Exhibit D).

Each of items a) through c) as represented in the attached Exhibits were carried out in this country prior to December, 1990.

5. All statements made in this Declaration of my own knowledge are true and all statements made in this Declaration on information and belief are believed to be true, and these statements are made with the knowledge that willful false statements and the like are punishable by

fine or imprisonment, or both under 18 U.S.C. §1001 and may jeopardize the validity of this application or any patent issuing thereon.

Jan 3 '97
Date

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